

SUMMARY REPORT OF INVESTIGATION**I. EXECUTIVE SUMMARY**

Date of Incident:	20 March 2018
Time of Incident:	0715 hours
Location of Incident:	XXX Sterling Avenue, Flossmoor, IL 60422 Beat XXX
Date of COPA Notification:	29 Mar 2018
Time of COPA Notification:	1134 hours

On March 20, 2018, Sergeant A was picking up his child from the home of his ex-wife, Subject 1, with whom he shares custody. Subject 1 alleged that when Sergeant A saw Subject 1's boyfriend, Civilian 1, leaving the house, he exited his vehicle and approached him in a harassing manner. Sergeant A knocked on Civilian 1's window in an attempt to get him to roll the window down. Subject 1, who had been watching from the window, came out and told Sergeant A to get off of her property. Civilian 1 drove away. On March 27, 2018, Sergeant A told Subject 1 that he would meet Civilian 1 one day. The conversation prompted Subject 1 to send Sergeant A a message saying that he did not have the right to meet her boyfriend. Subject 1 alleged Sergeant A responded to the messages in a harassing manner.

II. INVOLVED PARTIES

Involved Officer #1:	Sergeant A Star: XXXX Employee ID: XXXX Date of Appointment: XXX 2000 Rank: Sergeant Unit of Assignment: XXX DOB: XXX 1973 Gender: Male Race: Hispanic
Involved Civilian #1:	Subject 1 Caucasian, Female, XXX 1979
Involved Civilian #2:	Civilian 1 Caucasian, Male DOB: XXX 1965

III. ALLEGATIONS

Officer	Allegation	Finding
Sergeant A	<ol style="list-style-type: none"> 1. On March 20, 2018, at approximately 0715 hours, Sergeant A engaged in an unjustified altercation with Civilian 1 at XXX Sterling Avenue, Flossmoor, IL 60422. 	Unfounded
	<ol style="list-style-type: none"> 2. On March 27, 2018, Sergeant A sent harassing text messages to Subject 1. 	Unfounded

IV. APPLICABLE RULES AND LAWS

Rules

1. Rule 8: Prohibits an officer from disrespecting or engaging in the maltreatment of any person, while on or off duty.
2. Rule 9: Prohibits an officer from engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

State Laws

1. 720 ILCS 5/26, Harassment by Telephone
2. Chicago Municipal Code 2-78, et seq.

V. INVESTIGATION¹

a. Interviews

Subject 1² gave a statement to the Civilian Office of Police Accountability on May 29, 2018. Subject 1 told investigators that she was previously married to Sergeant A and they share a three-year-old child. Their divorce was finalized in October of 2017. They were separated for a number of years prior to the divorce. There is a Parenting Agreement in place, which specifies the terms of their shared custody. On the morning of March 20, 2018, Sergeant A was picking up their son for a scheduled visit, but he arrived slightly early. In the past, Subject 1 tried to ensure that

¹ COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

² Digitally Recorded Statement of Subject 1, Attachment 4.

Civilian 1 would be out of the house by the time Sergeant A came to pick up their son to avoid any interaction.

According to Subject 1, Sergeant A was waiting in his car to pick up their child, when Civilian 1 left the home and went to his car. As Civilian 1 got to his vehicle, Subject 1 watched as Sergeant A got out of his car and walked over to Civilian 1's vehicle. Sergeant A began doing a "police knock" on Civilian 1's vehicle and told him to roll down his window. Civilian 1 refused to roll down the window and drove away. Sergeant A told Subject 1 that he just wanted to talk to Civilian 1. Subject 1 told Sergeant A that he did not have the right to talk to Civilian 1 and told him to get off of her property.

Sergeant A got into his car and drove off in the same direction as Civilian 1, causing Subject 1 to fear that Sergeant A was following Civilian 1. Subject 1 called Civilian 1 who confirmed he had feared the same until Sergeant A turned off and went to a grocery store. Sergeant A returned shortly thereafter for the scheduled pick up of their child. There was no incident during the subsequent pickup. Following the visitation exchange, Subject 1 sent a text message to Sergeant A warning him to never approach anyone on her property like that again.

On Mar 27, 2018, there was a subsequent verbal altercation in which Sergeant A said something to the effect of Civilian 1 ran away from him as he drove away. Subject 1 followed up with Sergeant A via text message asking Sergeant A what was said as he drove away. Sergeant A responded that he wanted to talk to Civilian 1, that he had the right to talk to him because his is around their son. Subject 1 denied that he had those rights. Subject 1 told Sergeant A that she was going to file a COPA complaint against him.

Subject 1 told investigators that Sergeant A has never demonstrated aggressive behavior nor made threats against her friends in the past, but that may be because he has never interacted with them. Subject 1 believed that Sergeant A is trying to be an intimidating presence in her relationships. Sergeant A has made other comments about her moving too fast in her relationships and bringing children around his son too soon. Subject 1 also mentioned that overall, she and Sergeant A do get along. Following the incident, Sergeant A has tried to only come at the exact time of his scheduled pickup.

Civilian 1³ gave a statement to the Civilian Office of Police Accountability on June 19, 2018. Civilian 1 told investigators that per Subject 1's request, Civilian 1 and Sergeant A intentionally did not cross paths because Subject 1 was unsure of how Sergeant A would react. Civilian 1 told investigators that there had been no previous incidents with him or any other of Subject 1's friends to the best of his knowledge. For this reason, Civilian 1 and Sergeant A never met. To make sure they would not cross paths, Civilian 1 would usually leave for work early, but on that day, he was running behind schedule. At approximately 7:15am Civilian 1 was leaving for work and Sergeant A arrived early to pick up the son he shares with Subject 1.

As Civilian 1 was leaving the house, he noticed Sergeant A outside. Sergeant A was wearing plain clothes and driving his personal vehicle. Before he left, Civilian 1 and Subject 1 had

³ Attachment 11

a brief conversation about Civilian 1 introducing himself to Sergeant A, but Subject 1 insisted that Civilian 1 ignore Sergeant A and go to work. Civilian 1 exited the home and went straight to his car without speaking to Sergeant A. Sergeant A exited his car, walked over to Civilian 1's car, and did a "police knock" on the driver's side front window. Civilian 1 described Sergeant A's demeanor as "intense." Civilian 1 did not roll down the window. He waved at Sergeant A. Sergeant A knocked again. Sergeant A mouthed something, but Civilian 1 could not make out what had been said. Civilian 1 waved once more, then pulled out of the drive way and drove down the street. Civilian 1 drew a diagram⁴ of the scene of the incident to illustrate what happened.

Civilian 1 saw Subject 1 come out and yell at Sergeant A. Shortly after that, Civilian 1 noticed that Sergeant A was driving behind him, which Civilian 1 found alarming. Before Sergeant A followed Civilian 1, Civilian 1 only considered the situation to be awkward, but not concerning. As both men drove down the street, Sergeant A eventually turned off into a grocery store at XXX Street and Civilian 1 continued on to work. They travelled approximately one mile in the same direction. Civilian 1 acknowledged that there was no other direction for Sergeant A to drive. Civilian 1 is not certain that Sergeant A was following him, but believed the timing of it all made it suspicious. There were no further interactions between the men.

Civilian 1 also expressed a willingness to meet with Sergeant A under the appropriate circumstances. Civilian 1 expressed an understanding of Sergeant A's desire to meet with him, but thought that the way Sergeant A went about it was inappropriate. Civilian 1 told investigators that he believed that Sergeant A was trying to intimidate him into rolling down the window, with no other forcible acts of intimidation. Civilian 1 felt that the text message conversation between Subject 1 and Sergeant A likely prompted her to file the complaint against Sergeant A. Civilian 1 provided investigators with his license plate number for investigative purposes.

b. Digital Evidence

Subject 1 submitted screenshots⁵ of her text message conversation with Sergeant A following the incident. In summary, Subject 1 alleges that Sergeant A ambushed Civilian 1 and states that she does not have to introduce Sergeant A to any of her friends. Sergeant A states that his concern is only regarding any individual spending time with his son and he does not care about meeting any of her other friends. Subject 1 refuses and advises Sergeant A to get a court order to meet anyone she is friends with or dating and confirms she will file a Complaint with COPA.

Subject 1 submitted a screenshot⁶ of her conversations with Civilian 1 following the incident. In summary, Subject 1 expresses concern about the interaction between Civilian 1 and Sergeant A and asks Civilian 1 to confirm that the incident occurred to her attorney. Civilian 1 states that he is not concerned based on the incident that occurred and states that he believes Sergeant A is a concerned father. They also discuss retrieving the video footage for evidence.

c. Documentary Evidence

⁴ Attachment 12

⁵ Attachment 6

⁶ Attachment 5

Subject 1 initiated the present log by Web Complaint⁷ on March 27, 2018. In her online statement, Subject 1 described the events in much the same way as she did in her in-person interview. However, in her written statement, Subject 1 indicated that, during their visitation drop-off on March 27th, Sergeant A told her that “he IS going to meet my boyfriend” and made references to Civilian 1 running away.

d. Additional Evidence

There was a home security system video of the incident, but it was not preserved by Subject 1 before it was deleted automatically.

On March 20, 2018, Subject 1 sent an email to attorney Civilian 2⁸ about the incident that morning. In her email, Subject 1 wrote that Sergeant A approached Civilian 1’s vehicle and attempted to get him to roll his window down, which caused her to go outside to tell Sergeant A to get off of her property. She mentioned that she was rattled by the experience and asked if it could be addressed in court that day.

Subject 1’s attorney, Civilian 2, received a letter from Sergeant A’s attorney on April 2, 2018. In the April 2nd Letter⁹, attorney Civilian 3 argued that it was not inappropriate for Sergeant A to attempt to meet Civilian 1, given that Civilian 1 has significant exposure to the child shared by Subject 1 and Sergeant A. Civilian 3 suggested that “given that Sergeant A’s job provides the child support that your client is attempting to increase, it would be beneficial for her to discontinue her attempts to interfere with his employment.”

Subject 1 provided a screenshot of a May 16th Letter¹⁰ from Sergeant A’s attorney inquiring about what Subject 1 disclosed to COPA in her complaint.

Subject 1 also shared a June 25, 2018 email¹¹ from Sergeant A’s attorney to her attorney. In that email, Civilian 3 again inquired about the nature of Subject 1’s complaint.

Both Civilian 1 and Subject 1 told investigators that Subject 1 insisted that Civilian 1 avoid interacting with Sergeant A because she did not know what Sergeant A would do, though there was no history of Sergeant A reacting aggressively in the past.

VI. ANALYSIS

Allegation #1: On March 20, 2018, at approximately 7:15 am, Sergeant A engaged in an unjustified altercation with Civilian 1 at XXX Sterling Avenue, Flossmoor, IL 60422.

⁷ Attachment 8

⁸ Attachment 19

⁹ Attachment 7

¹⁰ Attachment 17

¹¹ Attachment 16

The allegation that Sergeant A engaged in an unjustified altercation with Civilian 1 is **UNFOUNDED**. Rule 8 prohibits an officer from disrespecting or engaging in the maltreatment of any person, while on or off duty. Rule 9 prohibits an officer from engaging in any unjustified verbal or physical altercation with any person, while on or off duty. There is no evidence that either of the above occurred.

Based on the evidence, on March 20, 2018, at approximately 0715 hours, Sergeant A approached the car of Civilian 1 and knocked on the window. Civilian 1 did not roll down the window and simply drove away. Both Subject 1 and Civilian 1 confirmed Sergeant A only knocked and said something. There is no evidence that he was yelling or otherwise threatening Civilian 1. No one heard what Sergeant A said while knocking. Aside from Civilian 1 describing Sergeant A's demeanor as "intense," there is nothing to suggest any malicious intent on the part of Sergeant A. Further, there is nothing that legally prohibits this type of interaction. When Subject 1 told Sergeant A to leave her property, he complied and returned approximately 15 minutes later at his scheduled pick-up time.

In the text messages between Subject 1 and Civilian 1, Civilian 1 indicated that he did not consider the interaction to be that big of a deal and later expressed empathy for Sergeant A's desire to meet him from a parental perspective. Subject 1 pushed Civilian 1 to agree with her perspective of Sergeant A being threatening by saying, "cops kill people too u know." Civilian 1 did not find the interaction to be troubling until Sergeant A appeared to follow him. While this would be understandably alarming, the evidence suggests that this was a mere, unfortunately-timed coincidence.

Following Sergeant A knocking on the window and Civilian 1 driving away, Subject 1 came out of the home and told Sergeant A to get off of her property. Sergeant A complied and left immediately, which resulted in Sergeant A leaving moments after Civilian 1. Civilian 1 said that Sergeant A was fifty to sixty feet behind him. Sergeant A did not speed up to catch up to Civilian 1 and continued at the posted speed limit of thirty miles per hour. After approximately one mile, Sergeant A turned and went to a grocery store. Prior to the grocery store, Civilian 1 confirms that there was no other real opportunity for Sergeant A to change his course of travel. Our investigation also revealed that Sergeant A did not use LEADS, or any other investigative tool, to investigate Civilian 1 in any way. For these reasons, it was unlikely that Sergeant A was intentionally following, harassing or threatening Civilian 1.

Allegation #2: On March 27, 2018, Sergeant A sent harassing text messages to Subject 1.

The allegation that Sergeant A harassed Subject 1 by telephone is **UNFOUNDED**. Chicago Municipal Code 2-78 gives COPA jurisdiction over allegations of domestic violence involving police officers. The code defines domestic violence as "physical abuse (other than sexual abuse), harassment, stalking, intimidation or violations of orders of protection (or similar court orders) involving a sworn officer's family or household member." This would include Subject 1 based on the statutory definition of "family or household member." 720 ILCS 5/26 defines harassment as "knowing conduct which is not necessary to accomplish a purpose that is reasonable under the circumstances, that would cause a reasonable person emotional distress and does cause emotional

distress to another.” Engaging in harassment would be a violation of the rules 8 and 9, as referenced above. The evidence does not support a finding that Sergeant A’s conduct violated these rules.

Subject 1 and Sergeant A are recently divorced and the divorce proceedings have been contentious. Subject 1 and Sergeant A share a child. Custody, visitation, and child support are still being litigated, which adds to the animus present in their interactions. Subject 1 is romantically involved with Civilian 1. Civilian 1 is involved in the care of Sergeant A and Subject 1’s shared child, which is also a controversial issue in the relationship between Sergeant A and Subject 1. With that in mind, we reiterate that this process was established to prevent an officer from using the power associated with his or her office to silence or otherwise intimidate a victim of domestic violence, not to be used as a tool to gain leverage in court proceedings.

Following the incident, Subject 1 sent Sergeant A a message on March 20th, warning him not to approach anyone on her property again. He did not respond. On March 21, 2018, Subject 1 sent a video of the incident to Sergeant A at 8:27 PM. Sergeant A did not respond. Subject 1 told investigators that Sergeant A made a snide comment about the incident prior to leaving her home after a visitation exchange on March 27, 2018, which prompted her to follow up on his comment by text message, saying, “did u say that Civilian 1 was scared to talk to you as you were [r]unning away yourself this evening?” She then told Sergeant A again that he is not allowed to talk to people on her property, then threatened him with a COPA complaint.

COPA finds Subject 1’s messages to Sergeant A to be intentionally provocative. On multiple occasions, Sergeant A ignored Subject 1’s messages about the incident. Subject 1 escalated the conversation by threatening a COPA complaint, provoking a response from Sergeant A. Sergeant A’s response to Subject 1 was to intimate that he did not do anything threatening to Civilian 1, that he did not care about what Subject 1 did with her personal life, and that he only cared about protecting his child. COPA finds Sergeant A’s response to be more reactive than harassing. When Sergeant A responded to her statement, Subject 1 filed a complaint.

Additionally, the interaction that led to this complaint occurred on the morning of a court hearing. We know this because, after the 7:15 AM interaction on March 20, 2018, Subject 1 emailed her attorney about it at 7:22 AM and asked for him to bring it up in court that day. The nature of these allegations were perhaps best addressed in the ongoing custody litigation, where both parties are represented by counsel.

Allegations of domestic violence are serious and handled with utmost concern for the safety and well-being of all parties involved. Furthermore, harassing behavior can certainly constitute domestic violence and is often extremely distressing to victims. However, the conduct at issue in this allegation simply does not rise to the level of harassment, especially in the context within which the actions occurred.

For the aforementioned reasons, the allegation that Sergeant A sent harassing text messages is **UNFOUNDED**.

VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

Officer	Allegation	Finding
Sergeant A	3. On March 20, 2018, at approximately 0715 hours, Sergeant A engaged in an unjustified altercation with Civilian 1 at XXX Sterling Avenue, Flossmoor, IL 60422. 4. On March 27, 2018, Sergeant A sent harassing text messages to Subject 1.	Unfounded
		Unfounded

Approved:

[Name]

Deputy Chief Administrator – Chief Investigator

Date

Appendix A

Assigned Investigative Staff

Squad#:	XX
Investigator:	Investigator A
Supervising Investigator:	Supervising Investigator A
Deputy Chief Administrator:	Deputy Chief Administrator A